

REMARKS/ARGUMENTS

Claims 1-8, 15, 17, 18-23 are pending in the Application with the entry of this amendment.

Claims 9-14, 16 have been cancelled without prejudice.

Claim 17 has been written in independent form.

Claim 23 has been amended.

CLAIM OBJECTIONS

The objection to Claim 1 is improper as the “first” and “second” predetermined manners may be different and must be distinguished as such.

The objection to Claim 23 has been rendered moot by incorporation of the Examiner’s suggestion.

CLAIM REJECTIONS

35 U.S.C. §112 1st paragraph.

The Office Action incorrectly rejected claims 1-8, 15 and 19-23 under 35 U.S.C. §112 1st paragraph.

The Applicant notes that the application need only be written to describe the inventions embodied in the claims to one skilled in the pertinent art, not to the Examiner’s skill level. It appears the Examiner either is not one of skill in the art or does not understand the requirement of 112 1st paragraph.

The rejection of Claims 1-8 is unfounded The specification on page 8 line 14- page 9, line 15 provides support for the claim language. The Examiner seems to be confusing “received signal power” with “communication signal power”. Nonetheless

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there is no support for the Examiners rejection. The rejection must be removed.

The rejection of Claims 15 and 19-22 are unfounded. In the art most pertinent, one skilled in the art, is readily processed of several known methods and apparatus for sampling. Knowledge possessed in the art need not be described in detail in the specification. The rejection must be removed.

The rejection of Claim 23 is unfounded. The Applicant directs the Examiner's attention to the following specification excerpt for disclosure of the claim terms:

“The signal power estimate may be obtained by combining a demodulated bit sequence against samples of a delay discriminator output taken at an optimal sample time, and time averaging the result. The delay discriminator output may be produced by combining a time-delayed complex conjugate of the received signal with the received signal and then eliminating the real portion of the combined signal. The duration of the time delay may be less than the duration of a symbol in the received signal and may preferentially be approximately one-half of the symbol duration.”

The rejection must be withdrawn.

35 U.S.C. § 112 2nd paragraph

The Office Action rejected claims 16 and 18 stating the claims are narrative in form and replete with indefinite and functional or operational language. The Examiner has failed to point out what portions of the claims bring rise to this rejection.

The Applicant suggests the Examiner familiarize himself with a “Jepson claim”(37 CFR 1.75(e), MPEP 2129). Claims 16¹ and 18 are written in Jepson form.

If the Examiner persists with this improper rejection, the Applicant demands the Examiner describe with specificity the claim language upon which the rejection rests.

35 U.S.C. § 102

The Office Action improperly rejected claims 17 and 18 as being anticipated by Chen et al. Claim 17 recites *inter alia*:

“the further step of eliminating the real component of the combined signal to thereby provide a communication power signal representative of the power in the communication component of the received signal”

and claim 18 similarly recites *inter alia*:

“the step of eliminating the real component of the combination of the received signal and the delayed conjugate of the received signal.”

Chen does not disclose the step of eliminating the real component of the combination, as required in the claims. In fact Chen discloses accumulating the real portion in the very portions cited by the Examiner.

Therefore Chen cannot anticipate Claims 17 and 18

1 Claim 17 previously depended from Claim 16, Claim 17 has been written in independent form and Claim 16 cancelled.

CONCLUSION

No art has been cited against Claims 1-8, 15, and 19-23 and their rejections have been shown above to be improper. As piecemeal examination is prohibited, the lack of prior art citations indicates their allowability over the cited art. Furthermore, the prior art rejections of Claims 17 and 18 have been shown to be improper. Therefore, the allowance of the application including Claims 1-8, 15 and 17-23 is earnestly awaited.

Although an extension of time is not deemed necessary at this time, the Office is hereby authorized to charge any appropriate extension fee to Deposit Account No. 04-1679, Duane Morris LLP.

Respectfully submitted,



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